Amendment, claims 28-32 remain pending for the Examiner's consideration. Reexamination and reconsideration of the application, as amended, are requested.

A. 35 U.S.C. § 101 Provisional Rejection Addressed

Claims 1-20, 25 and 26 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-20, 21 and 22, respectively, of copending application 09/833,234. Claims 1-20, 25 and 26 have been cancelled herein, thereby obviating this rejection.

B. Provisional Rejection under Obviousness-Type Double Patenting Addressed

Claims 21-24 and 27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application 09/833,234. Claims 21-24 and 27 have been cancelled herein, thereby obviating this rejection.

C. 35 U.S.C. § 112, Second Paragraph, Rejections Addressed

Claims 22 and 24-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22 and 24-26 have been cancelled herein. Withdrawal of this rejection is respectfully requested.

D. 35 U.S.C. § 102(f) and (g) Rejections Addressed

Claims 1-20, 25 and 26 are rejected under 35 U.S.C. § 102(f) or 102(g) because the applicant did not invent the claimed subject matter. Claims 1-20, 25 and 26 have been cancelled herein, thereby obviating this rejection.

E. 35 U.S.C. § 102(b) and (e) Rejections Addressed

Claims 1-27 were rejected under 35 U.S.C. § 102(b) or (e) as being anticipated by Holm et al. The Examiner points to Figures 1-3 and the Example to support his rejection. While it is believed that claims 1-27 as filed are novel over Holm et al., claims 1-27 have been cancelled herein, thereby obviating this rejection.

Claims 1-27 were rejected under 35 U.S.C. § 102(b) or (e) as being anticipated by Antanavich et al. The Examiner points to the claims of Antanavich et al. for support of his

rejection. While it is asserted that Antanavich et al. do not teach every element of claims 1-27 and therefore do not anticipate claims 1-27, claims 1-27 have been cancelled herein, thereby obviating this rejection.

Claims 1-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Morse et al. (WO91/09573). The Examiner does not reference anything in the Morse et al. disclosure to support his rejection. While it is asserted that Morse et al. do not teach every element of claims 1-27 and therefore do not anticipate claims 1-27, claims 1-27 have been cancelled herein, thereby obviating this rejection.

CONCLUSIONS

It is believed that all claims now pending in this patent application, as amended and described above, are now allowable. Therefore, it is respectfully requested that the Examiner reconsider his rejections and to grant an early allowance. If any questions or issues remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number listed below. No fees are believed to be required for filing this Amendment and Remarks. However, should any fee be required, please charge Deposit Account No. 50-1123.

Respectfully submitted,

Nov. 26, 2002
Dated

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MARKED UP VERSION SHOWING CHANGES MADE TO TITLE

Please amend the title as follows:

[SYSTEM] METHOD FOR THE PRODUCTION OF AUTOLOGOUS THROMBIN [PLATELET GET USEFUL FOR THE DELIVERY OF MEDICINAL AND GENETIC AGENTS]

CLEAN VERSION OF AMENDED TITLE

Please replace the title with the following:

METHOD FOR THE PRODUCTION OF AUTOLOGOUS THROMBIN

MARKED UP VERSION SHOWING CHANGES MADE TO ABSTRACT

Please amend the abstract as follows:

A [centrifuge system] method for producing autologous thrombin for use in the formation of an autologous platelet gel wherein all of the blood components for the gel are derived from a patient to whom the gel is to be applied. [First a platelet rich plasma and a platelet poor plasma are formed by centrifuging a] A quantity of anticoagulated whole blood that was previously drawn from the patient is separated by centrifugation into various blood components. At least one of the components is isolated, activated, and clotted, and the autologous thrombin is expressed from the clot. [. The platelet rich plasma or platelet poor plasma is then automatically drawn out of the centrifuge bag and proportioned into separate chambers in a dispenser. The first portion is activated where a clot is formed and thrombin is obtained. The thrombin is then latter mixed with the second portion to obtain a platelet gel. Prior to the formation of the platelet gel genetic or medicinal agents may be added thus allowing the platelet gel to additionally serve as a delivery vehicle.]

CLEAN VERSION OF AMENDED ABSTRACT

Please replace the abstract with the following:

A method for producing autologous thrombin for use in the formation of an autologous platelet gel wherein all of the blood components for the gel are derived from a patient to whom the gel is to be applied. A quantity of anticoagulated whole blood that was previously drawn from the patient is separated by centrifugation into various blood components. At least one of the components is isolated, activated, and clotted, and the autologous thrombin is expressed from the clot.

MARKED UP VERSION SHOWING CHANGES MADE TO CLAIMS

Please cancel claims 1-27 and add new claims 28-32.

28. (New) A method for producing autologous thrombin for use in forming a platelet gel, comprising:

drawing whole blood from an individual to whom the platelet gel is to be applied;

inactivating said whole blood by introducing an anticoagulating agent to said whole blood;

separating said anticoagulated whole blood into various inactive blood components by centrifugation;

isolating at least one of said inactive blood components;

activating said inactive blood component;

clotting said active blood component; and

expressing thrombin from said clot.

29. (New) The method of claim 28, wherein said inactive blood component is platelet rich plasma.

30. (New) The method of claim 28, wherein said inactive blood component is platelet poor plasma.

31. (New) The method of claim 28, wherein said inactive blood component comprises platelet rich plasma in combination with platelet poor plasma.

32. (New) The method of claim 28, wherein said inactive blood component comprises platelet rich plasma, platelet poor plasma, and red blood cells.

CLEAN VERSION OF AMENDED CLAIMS

Please cancel claims 1-27 and add new claims 28-32.

28. (New) A method for producing autologous thrombin for use in forming a platelet gel, comprising:

drawing whole blood from an individual to whom the platelet gel is to be applied;

inactivating said whole blood by introducing an anticoagulating agent to said whole blood;

separating said anticoagulated whole blood into various inactive blood components by centrifugation;

isolating at least one of said inactive blood components;

activating said inactive blood component;

clotting said active blood component; and

expressing thrombin from said clot.

29. (New) The method of claim 28, wherein said inactive blood component is platelet rich plasma.

30. (New) The method of claim 28, wherein said inactive blood component is platelet poor plasma.

31. (New) The method of claim 28, wherein said inactive blood component comprises platelet rich plasma in combination with platelet poor plasma.

32. (New) The method of claim 28, wherein said inactive blood component comprises platelet rich plasma, platelet poor plasma, and red blood cells.